



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



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SUBJECT: <b>VEHICLE PURSUITS</b>			
ASSOCIATED MANUAL: <b>BUREAU OF TRAFFIC</b>		RELATED ORDERS: <b>3.2.03, 3.2.07</b>	
CHIEF OF POLICE: <b><i>Michael McGrath, Chief</i></b>			

*Substantive changes are in italics*

**PURPOSE:** To establish guidelines for pursuit driving as required by the Ohio Revised Code, Section 2935.031.

**POLICY:** The Cleveland Division of Police shall proactively and vigorously enforce criminal and traffic laws. The Division of Police acknowledges the dangers of high speed driving. Therefore, the Division of Police shall regulate the conduct of vehicle pursuits while balancing the need to carry out its law enforcement mission against the duty to protect the general public. *In instances where the interpretation of this policy may not readily lend itself to bright-line guidance, the policy shall be applied in the more restrictive manner.*

*Ohio Revised Code Section 4511.041 establishes certain exceptions for public safety vehicles but, "does not relieve the driver...from the duty to drive with due regard for the safety of all persons and property upon the highway."*

**DEFINITION:** Vehicular Pursuit - occurs when there is an active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

*Vehicular Pursuit Termination - occurs when the pursuing vehicle advises the Communications Control Section (CCS) of its intent to cease the pursuit or when ordered to do so by a supervisor and does so by deactivating its emergency lights and sirens and returns to normal vehicular operations.*

## PROCEDURES:

I. Officers may initiate a vehicle pursuit when **all** of the following criteria are met:

PAGE: 2 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

- A. The suspect operating the vehicle refuses to stop at the officer's direction and flees apprehension for an alleged felony or misdemeanor offense for which a full custody arrest is authorized; **and**
  - B. The immediate danger of the pursuit is less than the immediate or potential danger to the public if the suspect remains at large; **and**
  - C. The officer is operating an authorized emergency vehicle.
- II. Before initiating a pursuit, officers shall take into consideration other factors such as weather, time of day, volume of vehicular and pedestrian traffic, road conditions, capability of the pursuit vehicle, population density, geographic location, officer familiarity with the area and proximity to certain areas (such as schools, parks, playgrounds, and venues associated with crowds) during those times when pedestrians are reasonably perceived to be active.
- III. Pursuing officers shall:
- A. Immediately notify CCS that a pursuit is underway, provide the reason for the pursuit, direction of travel, description of the vehicle, license plate number, number of occupants and the speeds involved. (Acknowledgment from CCS of an officer's engagement in a pursuit does NOT constitute permission to continue pursuit. *That permission shall come from a police supervisor only.*)
  - B. *Immediately switch to the main communication channel of the district of occurrence if operating on another channel (i.e. Tactical, Traffic, Special Events).*
  - C. Become the back-up unit if driving an unmarked unit or if the unit is not equipped with a light bar, when a marked unit with a light bar and siren is available as the primary pursuit unit; or when the Aviation Unit becomes the primary pursuit unit.
  - D. Immediately terminate a pursuit if:
    - 1. The level of danger to life and property outweighs the need for immediate apprehension.
    - 2. *Ordered to do so by a supervisor.* Officers shall not follow a suspect vehicle after a pursuit has been terminated.

PAGE: 3 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

3. Contact with CCS or other units involved in the pursuit is lost, unless discontinuing the pursuit may result in the loss of human life.
4. There is sufficient identifying information and high probability of arresting the fleeing suspect later and termination will not result in the loss of vital evidence.
5. The distance between the pursuing vehicle and the pursued vehicle is so great that continuing the pursuit is futile.
6. The pursued driver shows *reckless and utter* disregard for their own life or the lives of others. (Indications of such behavior include but are not limited to: not attempting to slow for red lights or stop signs, driving left of center into oncoming traffic or speeds far in excess of safe limits relative to road and traffic conditions.)

E. Remain on the channel of the district the pursuit began in, unless ordered to change channels by a sector or CCS supervisor.

#### IV. Officers shall not:

- A. Join a pursuit in progress without permission from a sector supervisor. (Acknowledgment from CCS of an officer's intent to join a pursuit shall not constitute permission to join a pursuit.)
- B. Join a pursuit initiated by another law enforcement agency unless requested to do so by the agency and approved by a sector supervisor.
- C. Engage in a pursuit with a vehicle that contains witnesses, suspects, complainants, ride-alongs, or other non-police personnel. Deviation from this directive requires specific, prior, written approval from the Chief of Police.
- D. Pass the primary pursuit unit if acting as a secondary pursuit unit, unless the tactical advantage has clearly moved to the secondary pursuit unit due to a lapse in pursuit by the primary pursuit unit. All pursuit units shall maintain an assured clear distance from each other and the pursued vehicle.
- E. *Attempt to employ any procedure that involves physical contact between the pursuing vehicle and the pursued vehicle* unless approved by the controlling pursuit supervisor.

PAGE: 4 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

- F. Continue the pursuit when operating a motorcycle if a marked unit with a lightbar and siren is available to take over the pursuit.
- G. Initiate or join a pursuit in an unmarked unit unless equipped with emergency red or blue lights and siren unless exigent circumstances warrant the initiation of a pursuit.
- H. Follow a pursuit on parallel streets without permission from a supervisor. *Parallel pursuit is the act of a police vehicle traveling on a roadway parallel to the pursued vehicle. Following a pursuit on parallel streets is considered an active engagement in a pursuit and is prohibited for vehicles that are not the primary or secondary pursuit units.*

*Other available vehicular units may place themselves or be placed by a supervisor in the general area of a pursuit or expected area of a pursuit, but they shall not parallel the pursuit without permission from the sector supervisor.*

- V. The sector supervisor shall:
  - A. Immediately acknowledge via CCS that the supervisor is monitoring the pursuit and is affirming approval to continue pursuit while the supervisor determines whether the pursuit is to be authorized or terminated.
  - B. Permit no more than two police vehicles to directly engage in a pursuit, except under unusual and well-articulated circumstances.
  - C. Remain in command regardless of the area the pursuit enters.
  - D. Control the pursuit by:
    - 1. Monitoring and directing units into or out of the pursuit.
    - 2. Assigning support and back-up units.
    - 3. Approving or ordering alternative tactics.
    - 4. *Determine the need for any pursuit unit to engage in a parallel pursuit and grant permission to engage in such a strategy where the totality of circumstances warrants the use of such a strategy.*

PAGE: 5 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

5. Coordinating with the Aviation Unit. When available, the Aviation Unit shall become the primary pursuit unit and may assist the sector supervisor in directing the secondary units as needed.
  6. Terminating the pursuit in accordance with this directive.
- E. Be accountable for continuing a pursuit if circumstances indicate that the pursuit should be terminated.
  - F. Remain in charge if the pursuit enters another jurisdiction, unless control is requested by the other agency.
  - G. Monitor a pursuit via CCS, if another agency has a pursuit entering Cleveland, and determine if Cleveland police vehicles shall be permitted to join the pursuit.
  - H. Complete the Vehicle Pursuit Report (Appendix) for every pursuit initiated, including those that are terminated without arrest or accident, and forward it to the Deputy Chief of Field Operations. "Pursuit" shall be included in the title of related Record Management System (RMS) reports. For example, GTMV/PURSUIT/RECOVERY/ARREST. If a Cleveland police pursuit vehicle is involved in an accident, copies of the completed pursuit report shall be included in the investigative packet. *Mark in the spaces indicated whether the involved officers complied with the applicable written directives of the Division of Police.*
  - I. Notify the Accident Investigation Unit (AIU) via CCS to respond to accidents that result from a pursuit, whether or not a city vehicle is damaged. If AIU is unavailable, a basic patrol car of the district in which the accident occurred shall complete the reports. The supervisor shall notify the Crime Scene and Record Unit via CCS to take photographs when AIU is unavailable.
  - J. Notify the Pursuit Investigation Team (PIT) via CCS to respond to accidents that result from a pursuit if a fatal or hospital confining injury occurred whether or not a city vehicle is involved, or if directed by the Chief or Chief's designee. Ensure officers preserve the accident scene, collect evidence subject to loss, destruction, or alteration, and detain witnesses until identified or interviewed by PIT.

PAGE: 6 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

## VI. *Video recording of pursuits*

- A. *Officers operating a Division vehicle equipped with a video recording device (city owned or personal) that has participated in any aspect of a pursuit resulting in an accident involving injuries or property damage, shall immediately advise the sector supervisor of any captured recordings of the pursuit. This provision shall also apply to airborne units.*
- B. *The sector supervisor shall immediately take custody of whatever storage medium (memory card/stick, CD, DVD, tape) was used by the recording device (including the recording device itself if necessary [cell phone, digital audio recorder] regardless if it is City or member's personal property) and retain it until such time that a member of PIT or AIU can take custody of the storage medium/recording device. When the data from the storage medium/recording device is transferred to another portable storage medium and/or hard drive, the original storage medium may be returned to the recording device. The transferred data shall be recorded onto a portable digital storage medium (such as a DVD), given an RMS number and entered into evidence according to established procedures. Member's personal property shall be returned back to the member as soon as reasonably possible once the recordings have been saved into evidence.*
- C. *The existence of any video recordings of the pursuit is considered evidence and shall be noted on the Vehicle Pursuit Report.*

## VII. *Aviation Unit*

- A. *Immediately after CCS has identified that a pursuit has commenced, CCS shall determine the availability of the Aviation Unit. If the Aviation Unit is available, CCS shall immediately inform the Aviation Unit of the pursuit.*
- B. *The Aviation Unit shall ensure that CCS has a sector supervisor monitoring the pursuit. The Aviation Unit shall work closely with the sector supervisor to coordinate the pursuit.*
  - 1. *The Aviation Unit shall become the primary pursuit unit as soon as it becomes engaged in the pursuit.*
  - 2. *The Aviation Unit shall advise the ground units of the suspect's location and guide them to intercept the pursued vehicle.*

PAGE: 7 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

3. Ground units shall be aware that when multiple suspects abandon a suspect vehicle, the Aviation Unit shall focus on the driver and relay information as appropriate. However, an armed vehicle occupant takes precedence over an unarmed occupant.
  4. The Aviation Unit may continue to monitor a fleeing vehicle and broadcast updated information after a sector supervisor has terminated the pursuit. Based on information provided by the Aviation Unit (including if the pursued vehicle has resumed normal operations or if it has been parked or abandoned), the supervisor may re-authorize pursuit as appropriate.
- C. The command and control of the Aviation Unit will remain within the Aviation Unit's Standard Operating Procedures.

## VIII. Alternative Tactics

### A. Roadblocks

1. A roadblock shall not be used if the pursued vehicle is wanted solely for a misdemeanor offense.
2. Stationary roadblocks shall be used only with the authorization of a supervisor.
3. Officers shall never use occupied or private vehicles as a barricade or roadblock.
4. Unless officers are authorized to use deadly force against a fleeing felon in compliance with state and federal statutes and Division policy, roadblocks shall be designed to allow the suspect vehicle to proceed slowly through the roadblock through an open route.

- B. Vehicle-to-vehicle contact is strictly prohibited unless circumstances exist that justify the actual use of deadly force, and then only with the approval of a supervisor.

## IX. Protocols Involving Outside Agencies

- A. Pursuing officers shall immediately notify CCS that a pursuit is about to enter another jurisdiction and whether assistance is needed.

PAGE: 8 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

- B. Pursuing officers shall not join a pursuit initiated by another law enforcement agency unless requested to do so by the agency and approved by a sector supervisor.
- C. CCS shall make the appropriate notifications and provide appropriate information to the agency having jurisdiction in the area of pursuit. Appropriate information shall include reason for pursuit, location/direction of pursuit, vehicle/occupant description; and the deployment of “stop sticks” or other law enforcement actions or tactics that would require informing other involved agencies.
- D. The coordination of any resultant criminal investigation shall be the responsibility of the initiating agency. The handling of accidents will generally be the responsibility of the agency in whose jurisdiction the accident occurs.
- E. Any involved agency may request a debriefing/review of another involved agency for the purposes of its own investigation or critique.
- F. In the event that a pursuit initiated by an outside agency is lost or terminated and the vehicle/suspect is still at large and a Cleveland police officer reacquires the vehicle/suspect, the officer shall contact CCS to determine if the originating agency wants to reinitiate the pursuit. If not, then the Cleveland police shall not become involved in a pursuit, unless there are reasons, as listed in Section I of this General Police Order, to justify a fresh pursuit.
- G. If an outside agency reinitiates the pursuit, that agency shall become the primary agency and the incident will be viewed as a new pursuit.

X. *Investigation and Administrative Review of Pursuits*

- A. *Pursuits that do not result in property damage or injury require only the completion of the Vehicle Pursuit Form (which must be completed and faxed to the Inspections Unit prior to the end of the shift). The original shall be forwarded through the chain of command to the appropriate Deputy Chief.*
- B. *All pursuits that result in accidents where property damage, injury, or death occurs shall be the subject of an investigation. The investigation shall be conducted by the superior officer of the supervisor who monitored the*



PAGE: 9 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
------------------	------------------------------	-----------------------

*pursuit. If that supervisor was also involved in the pursuit, it shall be investigated by superior officer next in that chain of command.*

- C. The PIT shall be called to any scene involving a fatality or hospital confining injury and shall have investigative authority over the event.*
- D. The supervisor conducting an investigation of a pursuit that resulted in property damage or injury shall ensure that a review of the event includes a review of the dispatch recordings and available AVL data prior to finalizing and submitting any findings.*
- E. The investigating supervisor shall produce an investigative packet that will include a Form-1 synopsis and evaluation of the event. The Form-1 shall address whether actions taken by Division members were appropriate and in compliance with Division rules and procedures. The packet shall also include as applicable the original Vehicle Pursuit Form, copies of RMS and/or OH-1 reports, and officer injury reports. (The investigating supervisor shall, prior to the end of their tour of duty, complete and fax the Vehicle Pursuit Form to the Inspections Unit.)*
- F. Within seven days of the incident, the investigating supervisor shall forward the packet through the chain of command. Each supervisor in the chain of command shall within seven days of receipt of the packet review and assess the actions taken by the members involved, and determine if those actions were appropriate and in compliance with Division rules and procedures. Supervisors deviating from the seven day requirement shall submit a Form-1 explaining the reason for the delay and requesting an extension if necessary.*
- G. Each reviewing superior officer shall endorse the investigative packet with their determination as to whether or not members followed Division directives governing pursuits.*
- H. Upon endorsement by the Deputy Chief's Office, investigative packets concerning vehicle pursuits that DID NOT generate a PIT call-up shall be forwarded to the Chief's Office.*
- I. Upon endorsement by the Deputy Chief's Office, investigative packets concerning vehicle pursuits that generated a PIT call-up shall be forwarded to the Inspections Unit for an administrative review.*
  - 1. The Inspections Unit shall:*

PAGE: 10 of 10	SUBJECT: VEHICLE PURSUITS	GPO NUMBER: 3.2.02
-------------------	------------------------------	-----------------------

- a. *Review the supervisor's investigative packet;*
    - b. *Conduct any additional investigation that may be required; and complete an appropriate report that includes a determination as to whether or not members adhered to the Police Division's directives governing pursuits.*
  2. *The Inspections Unit's administrative review packet shall be attached to the supervisor's investigative packet and delivered to the Chief's Office.*
- XI. *Upon completion of the investigation and administrative review of a vehicular pursuit that results in a serious injury or death, officers involved in such a pursuit shall attend a block of instruction on the subject of vehicle pursuits. Attendance at this training shall also serve as an additional debriefing of events to give vehicle pursuit instructors additional background information on the subject matter.*
- XII. *The Bureau of Communications shall note in the "Chief's Items of Interest" any vehicle pursuit that results in death, injury or property damage.*